



Re: agreement
Carlo Bertani to: sue
Cc: Deborah Hilsman, Rob Rau

03/11/2010 07:18 AM

From: Carlo Bertani/R10/USEPA/US
To: sue@rhsmith.com
Cc: Deborah Hilsman/R10/USEPA/US@EPA, Rob Rau/R10/USEPA/US

History: This message has been replied to.

Hi Sue,

In order to better clarify my message from yesterday, here are the issues at hand with the Administrative Order of Consent (AOC):

- If RH Smith Distributing does not sign the AOC, then EPA will use a different legal mechanism (i.e. Corrective Action Order) to set a schedule for the additional on-site remedial activities at Smitty's Conoco

- The Corrective Action Order that would be issued by EPA, if the AOC is not signed, would be a unilateral document (EPA would set the cleanup schedule and RH Smith Distributing would not have a say in the matter, unless you wanted to legally contest it under 40 C.F.R. Part 24)

- If RH Smith Distributing did contest a Corrective Action Order issued by EPA, then we would both be dealing with a lengthy and expensive trial

In summary, signing the draft AOC that we sent to you is the best way for RH Smith Distributing to work together with EPA to finish the cleanup in an efficient manner and in ways that we can both agree to. Please let me know what RH Smith Distributing wants to do as soon as possible; I need to know your decision by Monday, March 15, 2010. If I do not hear from you by the aforementioned deadline, EPA will move forward with a unilateral Corrective Action Order.

Thanks,
Carlo

Carlo Bertani, Environmental Scientist
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

Hi Carlo - I am getting worried now. I was thinki...

03/10/2010 01:21:57 PM

From: "Sue Smith" <sue@rhsmith.com>
To: Carlo Bertani/R10/USEPA/US@EPA
Date: 03/10/2010 01:21 PM
Subject: agreement

Hi Carlo - I am getting worried now. I was thinking that we had signed the agreement, but all we did was agree to do something? I am still waiting for Mike to get back to me, because he said

that you two went over everything. But was that just the work plan and not the AOC?

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106